

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TENNESSEE  
EASTERN DIVISION

FILED BY eg D.C.

05 DEC -9 PM 4: 26

THOMAS M. GOULD  
CLERK, U.S. DISTRICT COURT  
W.D. OF TENN. - MEMPHIS

PHILLIP E. BOYNTON, CLARENCE W.  
BOYNTON, NORMA ANN LOGAN,  
RENELDA J. WESTFALL, SHANNON  
NONN, AARON SCOTT BERNARD,  
ALAN F. BERNARD, LINDA R.  
BERNARD, and DAVID ALAN BERNARD,

Plaintiffs,

No. 1-02-1111-MI/An

vs.

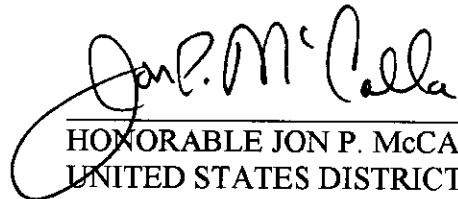
HEADWATERS, INC.,

Defendants

~~PROPOSED~~ <sup>JPM</sup> ORDER GRANTING DEFENDANT HEADWATERS' UNOPPOSED  
MOTION FOR LEAVE TO FILE A REPLY MEMORANDUM

The Court has considered defendant Headwaters' unopposed motion for leave to file a reply memorandum in further support of its motion for summary judgment filed October 31, 2005. Good cause appearing, IT IS THUS ORDERED THAT Headwaters' motion for leave to file a reply is hereby GRANTED. IT IS FURTHER ORDERED THAT the Clerk of Court shall immediately file "Defendant Headwaters' Reply Memorandum in further Support of Its October 31, 2005 Motion for Summary Judgment," attached as Exhibit "A" to Headwaters' motion for leave to file a reply. This document will be treated as though filed on the date of entry of this Order.

SO ORDERED this 9 day of December, 2005.

  
HONORABLE JON P. McCALLA  
UNITED STATES DISTRICT JUDGE

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that the foregoing [PROPOSED] ORDER GRANTING DEFENDANT HEADWATERS' UNOPPOSED MOTION FOR LEAVE TO FILE A REPLY MEMORANDUM was served upon the other parties to this case by delivering a true copy thereof to their respective attorneys of record this December <sup>8</sup>~~7~~, 2005 as follows:

Jeffrey A. Greene, Esq. (Via Facsimile & First Class Mail)  
Gregory H. Oakley, Esq.  
**JEFFREY A. GREENE, P.C.**  
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Nashville, Tennessee 37215

Clinton L. Kelly, Esq. (Via Facsimile & First Class Mail)  
Andy L. Allman, Esq.  
**KELLY, KELLY, & ALLMAN**  
629 E. Main Street  
Hendersonville, TN 37057

A handwritten signature in black ink, appearing to read "Geo. Allman", written over a horizontal line.

RPFO000000705V001



## Notice of Distribution

This notice confirms a copy of the document docketed as number 465 in case 1:02-CV-01111 was distributed by fax, mail, or direct printing on December 12, 2005 to the parties listed.

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Honorable Jon McCalla  
US DISTRICT COURT